

SECOND REGULAR SESSION

# HOUSE BILL NO. 2298

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CARPENTER.

3581H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 115.631 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to election offenses, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 115.631 and 115.637, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.631 and 115.637, to read as follows:

115.631. The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of this chapter, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made "under penalty of perjury", such individual shall be guilty of a class D felony;

(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (3) Procuring any person to vote knowing the person is not lawfully entitled to vote or  
19 knowingly procuring an illegal vote to be cast at any election;
- 20 (4) Applying for a ballot in the name of any other person, whether the name be that of  
21 a person living or dead or of a fictitious person, or applying for a ballot in his or her own or any  
22 other name after having once voted at the election inside or outside the state of Missouri;
- 23 (5) Aiding, abetting or advising another person to vote knowing the person is not legally  
24 entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;
- 25 (6) An election judge knowingly causing or permitting any ballot to be in the ballot box  
26 at the opening of the polls and before the voting commences;
- 27 (7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or  
28 knowingly practicing any fraud upon a voter to induce him or her to cast a vote which will be  
29 rejected, or otherwise defrauding him or her of his or her vote;
- 30 (8) An election judge knowingly placing or attempting to place or permitting any ballot,  
31 or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the  
32 ballot is offered by a qualified voter as provided by law;
- 33 (9) Knowingly placing or attempting to place or causing to be placed any false or  
34 fraudulent or bogus ballot in a ballot box at any election;
- 35 (10) Knowingly removing any legal ballot from a ballot box for the purpose of changing  
36 the true and lawful count of any election or in any other manner knowingly changing the true and  
37 lawful count of any election;
- 38 (11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after  
39 it has been voted for the purpose of changing the lawful count of any election;
- 40 (12) Knowingly altering, defacing, damaging, destroying or concealing any poll list,  
41 report, affidavit, return or certificate for the purpose of changing the lawful count of any election;
- 42 (13) On the part of any person authorized to receive, tally or count a poll list, tally sheet  
43 or election return, receiving, tallying or counting a poll list, tally sheet or election return the  
44 person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of  
45 any election;
- 46 (14) On the part of any person whose duty it is to grant certificates of election, or in any  
47 manner declare the result of an election, granting a certificate to a person the person knows is not  
48 entitled to receive the certificate, or declaring any election result the person knows is based upon  
49 fraudulent, fictitious or illegal votes or returns;
- 50 (15) Willfully destroying or damaging any official ballots, whether marked or unmarked,  
51 after the ballots have been prepared for use at an election and during the time they are required  
52 by law to be preserved in the custody of the election judges or the election authority;

53 (16) Willfully tampering with, disarranging, altering the information on, defacing,  
54 impairing or destroying any voting machine or marking device after the machine or marking  
55 device has been prepared for use at an election and during the time it is required by law to remain  
56 locked and sealed with intent to impair the functioning of the machine or marking device at an  
57 election, mislead any voter at the election, or to destroy or change the count or record of votes  
58 on such machine;

59 (17) Registering to vote knowing the person is not legally entitled to register or  
60 registering in the name of another person, whether the name be that of a person living or dead  
61 or of a fictitious person;

62 (18) Procuring any other person to register knowing the person is not legally entitled to  
63 register, or aiding, abetting or advising another person to register knowing the person is not  
64 legally entitled to register;

65 (19) Knowingly preparing, altering or substituting any computer program or other  
66 counting equipment to give an untrue or unlawful result of an election;

67 (20) On the part of any person assisting a blind or disabled person to vote, knowingly  
68 failing to cast such person's vote as such person directs;

69 (21) On the part of any registration or election official, permitting any person to register  
70 to vote or to vote when such official knows the person is not legally entitled to register or not  
71 legally entitled to vote;

72 (22) On the part of a notary public acting in his or her official capacity, knowingly  
73 violating any of the provisions of this chapter or any provision of law pertaining to elections;

74 (23) Violation of any of the provisions of sections 115.275 to 115.303, or of any  
75 provision of law pertaining to absentee voting;

76 (24) Assisting a person to vote knowing such person is not legally entitled to such  
77 assistance, or while assisting a person to vote who is legally entitled to such assistance, in any  
78 manner coercing, requesting or suggesting that the voter vote for or against, or refrain from  
79 voting on any question, ticket or candidate;

80 (25) Engaging in any act of violence, destruction of property having a value of five  
81 hundred dollars or more, or threatening an act of violence with the intent of denying a person's  
82 lawful right to vote or to participate in the election process; ~~and~~

83 (26) Knowingly providing false information about election procedures for the purpose  
84 of preventing any person from going to the polls; **and**

85 **(27) Coercing, intimidating, or pressuring a voter to vote in a certain manner and**  
86 **attempting to verify the result of such acts by obtaining photographic evidence of such**  
87 **voter's ballot.**

115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he or she intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his **or her** duties in making such canvass or willfully neglecting any duties lawfully assigned to him or her;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his or her name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of  
38 distributing the printed ballots, or any person acting on his or her behalf, knowingly distributing  
39 or causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his or her possession any official ballot, except in the  
41 performance of his or her duty as an election authority or official, or in the act of exercising his  
42 or her individual voting privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, being willfully absent from the polls on election  
45 day without good cause or willfully detaining any election material or equipment and not causing  
46 it to be produced at the voting place at the opening of the polls or within fifteen minutes  
47 thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or  
49 omitting to perform any duty required of him or her by law with respect to holding and  
50 conducting an election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any  
52 information tending in any way to show the state of the count to any other person prior to the  
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, ~~allowing his or her~~  
55 ~~ballot to be seen by any person with the intent of letting it be known how he or she is about to~~  
56 ~~vote or has voted, or~~ knowingly making a false statement as to his or her inability to mark a  
57 ballot;

58 (15) On the part of any election judge, disclosing to any person the name of any  
59 candidate for whom a voter has voted;

60 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

61 (17) On the part of any person at any registration site, polling place, counting location  
62 or verification location, causing any breach of the peace or engaging in disorderly conduct,  
63 violence, or threats of violence whereby such registration, election, count or verification is  
64 impeded or interfered with;

65 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,  
66 posting signs or placing vehicles bearing signs with respect to any candidate or question to be  
67 voted on at an election on election day inside the building in which a polling place is located or  
68 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of  
69 any person, refusing to remove or permit removal from property owned or controlled by such  
70 person, any such election sign or literature located within such distance on such day after request  
71 for removal by any person;

72           (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on  
73 private property, except that this subdivision shall not be construed to interfere with the right of  
74 any private property owner to take any action with regard to campaign yard signs on the owner's  
75 property and this subdivision shall not be construed to interfere with the right of any candidate,  
76 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's  
77 private property after the election day.

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